IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6097 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

M K THAKKER

Versus

COMMISSIONER OF HEALTH & MEDICAL & FAMILY WELFARE

Appearance:

1. Special Civil Application No. 6097 of 1990

MRS KETTY A MEHTA for Petitioner No. 1

MR ND Gohil, ld. AGP, for Respondents No. 1-2

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 22/10/2001

ORAL JUDGEMENT

The present petition is filed for the relief that the respondents be directed to consider the petitioner for promotion to the Class-II post of District Malaria

Officer in the office of the Commissioner of Health and Medical Services and Medical Education. The learned advocate appearing for the petitioner points out that by ad interim order this Court on 17th February 1991 directed that the respondent to consider the petitioner for the next promotional post along with other candidates. The learned advocate also states that by an order dated 17.1.1992 the petitioner was promoted to the next promotional post on which he resumed on 30.1.1992. Thereafter the petitioner reached the age of superannuation and retired from service on 31.1.1995. The case of the petitioner is that he is required to be given a deemed date of promotion i.e. 29.7.1988, the day on which his juniors were promoted. Taking into consideration the fact that the department has already considered the case of the petitioner for promotion, it will be in the fitness of things if the department is directed to consider the case of the petitioner for granting deemed date of promotion also. It will be open for the petitioner to make a representation in this regard to the department within four weeks from the date of receipt of the copy of this order, which, the department may consider with sympathy and in accordance with law within further six weeks from the date of receipt of the representation.

2 With these directions, the petition is disposed of. Rule is discharged with no order as to costs.

(R.R.Tripathi, J.)

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